

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**DOUGLAS EL**

**Plaintiff**

**v.**

**SOUTHEASTERN PENNSYLVANIA  
TRANSPORTATION AUTHORITY**

**Defendant**

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**CIVIL ACTION  
No. 02CV3591**

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**ORDER**

**AND NOW** on this \_\_\_\_ day of \_\_\_\_\_, 2004, upon consideration of Plaintiff's Motion to Compel Service Plus Delivery Systems, Inc. to comply with Plaintiff's Subpoena and Service Plus Delivery Systems, Inc.'s response thereto, it is hereby **ORDERED** and **DECREED** that Plaintiff's Motion to Compel is **DENIED**.

**BY THE COURT:**

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**THE HONORABLE J. CURTIS JOYNER**  
*United States Magistrate Judge*

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**ANSWER OF ALLSTATE TRANSPORTATION, INC.'S TO PLAINTIFF'S MOTION  
TO COMPEL ALLSTATE TRANSPORTATION, INC TO COMPLY WITH  
PLAINTIFF'S SUBPOENA**

Service Plus Delivery Systems, Inc. (hereinafter "Service Plus") hereby responds to Plaintiff's Motion to Compel Service Plus Delivery Systems, Inc. to Comply with Plaintiff's Subpoena as follows:

1-11. Denied. By way of further explanation, Plaintiff's Motion must be denied as Moot because a search for the records requested by subpoena revealed that the records do not exist. A true and correct copy of documentation in support thereof is attached hereto as **Exhibit "A"**.

**WHEREFORE**, Service Plus Delivery Systems, Inc. respectfully request this Honorable Court to Deny Plaintiff's Motion to Compel Service Plus Delivery Systems, Inc. to Comply with Plaintiff's Subpoena as Moot.

**DAVID L. WOLOSHIN, P.C.**

**BY: \_\_\_\_\_  
Jeffrey B. Killino, Esquire  
Attorney for Service Plus Delivery, Inc.**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>DOUGLAS EL</b>	:	
<b>Plaintiff</b>	:	
<b>v.</b>	:	
<b>SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY</b>	:	
	:	
<b>Defendant</b>	:	<b>CIVIL ACTION No. 02CV3591</b>
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**BRIEF IN OPPOSITION TO PLAINTIFF’S MOTION TO COMPEL SERVICE PLUS  
DELIVERY SYSTEMS, INC. TO COMPLY WITH PLAINTIFF’S SUBPOENA**

Service Plus Delivery Systems, Inc. (hereinafter “Service Plus”) by and through the undersigned counsel hereby submits their Brief in Opposition to Plaintiff’s Motion to Compel Service Plus Delivery Systems, Inc. to Comply with Plaintiff’s Subpoena as follows:

**ARGUMENT**

Plaintiff’s Motion must be denied as Moot because a search for the records requested by subpoena revealed that the records do not exist. A true and correct copy of documentation in support thereof is attached hereto as **Exhibit “A”**.

**CONCLUSION**

**WHEREFORE**, any and all the foregoing reasons, Service Plus Delivery Systems, Inc. respectfully request this Honorable Court Deny Plaintiff’s Motion to Compel Service Plus Delivery Systems, Inc. to Comply with Plaintiff’s Subpoena as Moot.

**DAVID L. WOLOSHIN, P.C.**

**BY: \_\_\_\_\_  
Jeffrey B. Killino, Esquire  
Attorney for Service Plus Delivery Systems, Inc.**

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**CERTIFICATION OF SERVICE**

I hereby certify that service of a true and correct copy of the enclosed Service Plus Delivery Systems, Inc.'s Answer to Plaintiff's Motion to Compel Service Plus Delivery Systems, Inc. to Comply with Plaintiff's Subpoena was made on February 24, 2004 to counsel below named by United States Mail, Postage Pre-paid.

Robert J. Haurin, Esquire  
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***JEFFREY B. KILLINO, ESQUIRE***